



9-17-08

IFW

PATENT
Attorney Docket No. 108.0004-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|----------------------------|---|-----------------------------|
| In re Application of: |) | Confirmation No.: 6784 |
| Ron J. Hudson et al. |) | |
| Serial No.: 09/921,097 |) | Group Art Unit: 2623 |
| Filed: July 31, 2001 |) | Examiner: Sumaiya Chowdhury |
| For: SYSTEM AND METHOD FOR |) | |
| INTERACTIVE VIDEO CONTENT |) | |
| PROGRAMMING |) | |

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

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Date of Deposit: September 15, 2008

I hereby certify that:

1. Confirmation Copy of Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO/SB/08 as originally filed via facsimile with 3 foreign patent documents and 44 non-patent literature references cited therein; and
2. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: September 15, 2008

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David M. Kogan, Esq.



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Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the document listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the requisite fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1068.

Applicant's U.S. Patent No. 6,925,469 (hereinafter, "the '469 patent") is the subject of litigation in the U.S. District Court for the Eastern District of Texas Marshall Division; Civil Action No. 2-06CV-549 TJW, hereinafter referred to as Litigation 1.

In Litigation 1, the defendants have asserted that various references were pertinent to the issue of validity of the '469 patent under 35 U.S.C. §§ 102 and 103. The references identified by the defendants in Litigation 1 as being allegedly pertinent to the '469 patent are identified by the designation "Lit. 1" in the Examiner Initial column of attached Form PTO/SB/08.

The '469 patent is also the subject of an *Inter Partes* Reexamination proceeding No. 95/000,313 filed October 31, 2007. The references identified by the defendants in

the Reexamination proceeding as being allegedly pertinent to the '469 patent are identified by the designation "Reexam" in the Examiner Initial column of attached Form Form PTO/SB/08.

Copies of the non-U.S. patent documents are enclosed herewith.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.


If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: September 15, 2008

By: _____


Amedeo F. Ferraro
Registration No. 37,129

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